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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,704	01/19/2005	Balthasar Antonius Gerardus Van Luijt	NL 020671	2624

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EXAMINER	
NAUROT TON, JOAN	
ART UNIT	**PAPER NUMBER**
2154	
MAIL DATE	**DELIVERY MODE**
11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,704	VAN LUIJT ET AL.	
	Examiner	Art Unit	
	Joan B. Naurot Ton	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 10/521,704.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/01/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected because the claimed invention is directed to non-statutory subject matter. Regarding claim 12, a computer program needs to be embodied on a computer readable storage medium causing a processor to execute its functions in order to be considered statutory.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Otsuka (2001/0025269).

Regarding claim 1: A method of regulating sharing of a multimedia object by a device, comprising registering usage information for the multimedia object upon sharing of the multimedia object, and after the registering, billing a user of the device for a certain amount in accordance with the registered usage information for the multimedia object.

(paragraph 0015, lines 3-9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ostuka in view of Ginter et al, hereinafter referred to as Ginter (US patent 7133845).

Regarding claim 2: The method of claim 1, further comprising recording user profile information

for the user, and crediting the bill with a sum upon receipt of the recorded user profile information together with the registered usage information.

Ginter discloses comprising recording user profile information

for the user, and crediting the bill with a sum upon receipt of the recorded user profile information together with the registered usage information.

(Column 36, lines 30-40 discloses "Reporting of usage

information and user requests can be used for supporting electronic currency,

billing, payment and credit related activities, and/or for user profile analysis

and/or broader market survey analysis and marketing (consolidated)

list generation or other information derived, at least in part, from said usage

information this information can be provided to content providers or other parties, through secure, authenticated encrypted communication to the VDE installation secure subsystems.")

5. Claims 3-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostuka in view of Levy (US publication 2002/0052885)

Regarding claim 3: Ostuka discloses a device arranged for sharing of a multimedia object, comprising file sharing

means for sharing the multimedia object with other devices, (paragraph 0070, "secondary distributing" See lines 1-5), accounting means for registering usage information for the identified multimedia object, (paragraph 0002, lines 5-7) reporting means for, when the recorded data

meets a predetermined criterion, (paragraph 0017, 2nd column, lines 1-4, in which the rounds of usage of media is determined for a predetermined term)

transmitting the registered usage information to a third party to allow afterwards billing for sharing of the multimedia object in accordance with the

registered usage information for the multimedia object. (paragraph 0017, 2nd column, entire paragraph, and "secondary distribution", paragraph 0070)

Otsuka discloses all the limitations as disclosed above except for identifying means for obtaining an identifier for the multimedia object being shared.

Levy discloses identifying means for obtaining an identifier for the multimedia object being shared. (paragraph 0036 discloses an id for the files , which is created from a fingerprinting or hash function.)

The general concept of providing identifying means for obtaining an identifier for the multimedia object being shared is well known in the art as illustrated by Levy who discloses identifying means for obtaining an identifier for the multimedia object being shared.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Otsuka to include the use of identifying means for obtaining an identifier for the multimedia object being shared in his advantageous device as taught by Levy in order to improve file sharing.

Regarding claim 4: Ostuka discloses all the limitations except for wherein the identifying means are arranged to obtain
the identifier from metadata associated with the multimedia object.

Levy discloses the device of claim 3, in which the identifying means are arranged to obtain
the identifier from metadata associated with the multimedia object. (paragraph 0030 discloses identifiers created from the file description, which is metadata. Metadata such as addresses are also used in the identifier. paragraph 0081.)

The general concept of providing the identifying means being arranged to obtain the identifier from metadata associated with the multimedia object is well known in the art as illustrated by Levy who discloses wherein the identifying means are arranged to obtain the identifier from metadata associated with the multimedia object.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Daisuke to include the use of wherein the identifying means are arranged to obtain the identifier from metadata associated with the multimedia object in his advantageous method as taught by Levy in order to improve file sharing techniques.

Regarding claim 5: The device of claim 4, in which the identifying means comprise a watermark
detector arranged to detect a watermark in the multimedia object and to extract the identifier
from the metadata encoded using the watermark.

Levy discloses the device of claim 4, in which the identifying means comprise a watermark
detector arranged to detect a watermark in the multimedia object and to extract the identifier
from the metadata encoded using the watermark. ("detect the watermark and read the information carried in it." paragraph 0038 and abstract, in which
the embedded data may include a watermark, and in which the data is used to identify the content.)

Regarding claim 6: The device of claim 3, in which the identifying means comprise a fingerprint
calculator arranged to obtain the identifier by computing a fingerprint for at least a portion of
the multimedia object.

Levy discloses the device of claim 3, in which the identifying means comprise a fingerprint
calculator arranged to obtain the identifier by computing a fingerprint for at least a portion of
the multimedia object. (paragraph 0036, middle of paragraph and second line of paragraph)

Regarding claim 7: Otsuka discloses the device of claim 3, in which the usage information being registered for the
multimedia object comprises a number of times the multimedia object is being shared. (paragraph 0074, in which usage is charged for all terminals, and in which the media may be shared.)

Regarding claim 9: Otsuka discloses the device of claim 3, in which the predetermined criterion comprises

a predetermined number of times the multimedia object has been shared. (paragraph 0102 discloses the predetermined number of rounds of usage,

And paragraph 0077 discloses the sharing)

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka and Levy, as applied to claim 3, and further in view of Ginter.

Regarding claim 12: Otsuka discloses being arranged to cause a general-purpose computer to operate as the device of claim 3. (paragraph 0096 discloses the client computer and the server)

Ostuka and Levy disclose all the limitations except for a computer program product.

Ginter discloses a computer program product. (paragraph 0060 "This base software serves as a flexible, general purpose foundation that can accommodate many different rights applications...")

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ostuka in view of Levy, as applied to claim 3, and further in view of Valentine (US publication 2001/0056351)

Regarding claim 8: Otsuka discloses the device of claim 3, in which the usage information being registered for the

multimedia object (paragraph 0015, lines 3-9).

Otsuka discloses all the limitations as disclosed above except for comprising an indication of a length of the multimedia object.

Valentine discloses comprising an indication of a length of the multimedia object. (paragraph 008 discloses totaling the use count of the files and displaying the results)

Valentine discloses comprising an indication of a length of the multimedia object. (Claim 21 discloses the receiving the duration information,

and Claim 21 depends from claim 1 discloses distributing audio data.)

The general concept of providing comprising an indication of a length of the multimedia object is well known in the art as illustrated by Valentine

who discloses providing comprising an indication of a length of the multimedia object.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Otsuka to include the use of comprising an indication of a length of the multimedia object in his advantageous method as taught by Valentine in order to improve file sharing techniques.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ostuka in view of Levy, as applied to claim 3, and further in view of Rabin (WO/00/72119)

Regarding claim 10: Otsuka discloses all the limitations except for the device of claim 3, being arranged to inhibit sharing of the multimedia

object in response to the reporting means failing to transmit the recorded data to the third party.

Rabin discloses the device of claim 3, being arranged to inhibit sharing of the

multimedia

object in response to the reporting means failing to transmit the recorded data to the third party. ("When a user device fails to perform a call up procedure with the guardian center...the device is disabled...or usage of certain instances of software is denied..." P8, lines 15-18.)

The general concept of providing being arranged to inhibit sharing of the multimedia

object in response to the reporting means failing to transmit the recorded data to the third party is well known in the art as illustrated by Rabin who discloses being arranged to inhibit sharing of the multimedia object in response to the reporting means failing to transmit the recorded data to the third party.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Otsuka to include the use of being arranged to inhibit sharing of the multimedia

object in response to the reporting means failing to transmit the recorded data to the third party in his advantageous method as taught by Rabin in order to improve file sharing devices.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka in view of Levy, as applied to claim 3, and further in view of Ginter.

Regarding claim 11: The device of claim 3, further comprising user profile maintenance means for

maintaining a user profile, the reporting means being arranged to additionally transmit at least a portion of the user profile to the third party.

Ginter discloses comprising user profile maintenance means for maintaining a user profile, the reporting means being arranged to additionally transmit at least a portion of the user profile to the third party. (Paragraph 101 discloses "Reporting of usage information and user requests can be used for supporting electronic currency,
billing, payment and credit related activities, and/or for user profile analysis and/or broader market survey analysis and marketing (consolidated)
list generation or other information derived, at least in part, from said usage information this information can be provided to content providers or other parties, through secure, authenticated encrypted communication to the VDE installation secure subsystems.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBNT
11/13/2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER